

Gornet is a treating physician and Plaintiff timely disclosed him. Plaintiff argues that Defendants will not be prejudiced if the Court were to grant extensions to the discovery deadline and trial setting. However, neither defense counsel nor Plaintiff's counsel have certified that the parties have met and conferred regarding these matters.

Local Rule 3.04 requires movant's counsel to confer in person or by telephone with opposing counsel in good faith or make reasonable efforts to do so before filing any motion relating to discovery and disclosure. "'Good faith' requires 'a genuine attempt to resolve the discovery dispute through nonjudicial means,' and 'conferment' requires the parties 'to have had an actual meeting or conference.'" *Williams v. Cent. Transp. Int'l, Inc.*, No. 4:13-CV-2009 CEJ, 2014 WL 6463306, at *2 (E.D. Mo. Nov. 17, 2014). *See, e.g. Black Hills Molding, Inc. v. Brandom Holdings, LLC*, 295 F.R.D. 403, 409 (D.S.D. 2013) (noting "good faith" effort by defense counsel included no less than seven contacts by telephone, email, letter and in-person conversations). The requirement to confer in good faith is critical to the litigation process. This requirement helps to narrow the issues presented to the Court and to eliminate unnecessary motion practice. It is not an empty formality. *See Williams* 2014 WL 6463306, at *2. In this case, counsel did not complete the required good faith attempt to confer in person or by telephone. *See Robinson v. Potter*, 453 F.3d 990, 995 (8th Cir. 2006) (citing *Naviant Mktg. Solutions, Inc. v. Larry Tucker, Inc.*, 339 F.3d 180, 186 (3d Cir. 2003) to note the difference between "an attempt to confer" and a "good faith attempt to confer"). The Motions are fully briefed and, yet, important matters remain unresolved.

To avoid repetition of these issues,

IT IS HEREBY ORDERED

- 1) The parties must meet and confer within seven (7) business days regarding any

relevant medical findings as a result of Plaintiff's initial appointment with Dr. Gornet and to establish the parties' positions about Dr. Gornet's role as a possible trial witness; and

- 2) discuss an amended proposed scheduling order which they will jointly submit to the Court within fourteen (14) business days of this Order for review and approval.

IT IS FURTHER ORDERED that the Court will hold a status hearing by video teleconference upon review of the parties' joint proposed schedule.

Dated this 1st day of May, 2020.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE